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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/718,531	11/21/2000	Gary W. Tripp	1770-3-3	2557
7590	02/09/2005			EXAMINER
DAVID A LOWE, ESQ. BLACK LOWE & GRAHAM 701 FIFTH AVENUE SUITE 4800 SEATTLE, WA 98104			RAYYAN, SUSAN F	
			ART UNIT	PAPER NUMBER
			2167	
			DATE MAILED: 02/09/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/718,531	TRIPP ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Susan F. Rayyan	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 May 2004.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57, 59, 61, 63, 65, 67, 69, 71, 73, 77-110, is/are pending in the application.  
 4a) Of the above claim(s) 1-14, 75-76 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) See Continuation Sheet is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 20 August 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

Continuation of Disposition of Claims: Claims rejected are  
15,17,19,21,23,25,27,29,31,33,35,37,39,41,43,45,47,49,51,53,55,57,59,61,63,65,67,69,71,73 and 77-110.

**DETAILED ACTION**

1. Claims 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57, 59, 61, 63, 65, 67, 69, 71, 73, 77-110 are pending.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 43, 65, 91, 102, 107, 109-110 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 43, 91, 107 recites the limitation "the agent ". There is insufficient antecedent basis for this limitation in the claim.

Regarding claims 65, 102, 109-110 the limitation rating flags is indefinite. Explain the rating flag. It seems to conflict with the rating flag of claim 108.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 15, 17, 19, 21, 23, 25, 27, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 55, 57, 69, 71, 73, 77-83, 95, 97-98, 104-107 are rejected under 35 U.S.C. 102(b) as being anticipated by Emens (US 6,295,559).**

As per claims 15,77 Emens anticipates:

"running on the cataloging site a program which assembles data relating to objects stored on the two or more source sites where, for each of the two source sites, such data is gathered from a file that is not part of any of said objects and said file contains data entered by said file contains data entered by a human about at least one of said objects" col.1, lines 42-44, col. 5, lines 15-27; "ranking at least some of the assembled data as a function of a set of ranking rules, thereby assigning rankings to the assembled data to generate the catalog of rankings where at least one of the rankings has a value that is function of said human input data about one or more objects with which the ranking is associated" at col.1, lines 42-44 and col.6, lines 40-42.

Emens teaches a program which assembles data relating to objects stored on the two or more source sites where, for each of the two source sites, such data is gathered from a file that is not part of any of said objects and said file contains data entered by said file contains data entered by a human about at least one of said objects, and ranking at col.1, lines 42-44, col5, lines 15-27, col6, lines 40-42.

As per claims 17-78 same as claim arguments above and Emens anticipates:

"wherein the data assembled at the two or more source sites is assembled by an agent program running on the source site" at col.5, lines 21-26.

As per claims 19-79 same as claim arguments above and Emens anticipates:

"wherein at least one of the rankings has a value that is a function of human usage of the object references" col.5, lines 1-2.

As per claims 21-80 same as claim arguments above and Emens anticipates:

"wherein some of the assembled data comprises data from the contents of objects on at least one of the source sites" at col.4, lines 59-63.

As per claims 23-81 same as claim arguments above and Emens anticipates:

"wherein some of the assembled data comprises meta data relating to objects on at least one of the source sites" at col.4, lines 59-63.

As per claims 25-82 same as claim arguments above and Emens anticipates:

"wherein some of the assembled data comprises ratings of objects on the source site" at col.4, lines 59-63.

As per claims 27-83, Emens anticipates:

"running on each source site a program which assembles data relating to objects stored on the source site" at col.5, lines 15-27;

"ranking at least some of the assembled data as a function of a set of ranking rules, thereby assigning rankings to the assembled data" at col.5, lines 27-44;

"transmitting the rankings from each source site to the cataloging site" at col.5, lines 21-27;

"aggregating a rankings at the cataloging site to generate a catalog of rankings" at col.5, lines 15-27.

Emens teaches running on each source site a program which assembles data relating to objects stored on the source site, ranking at least some of the assembled data, transmitting the rankings and aggregating a rankings at col.5, lines 15-44.

As per claims 31,85 same as claim arguments above and Emens anticipates:

“wherein some of the assembled data comprises data from the content of objects on the source site” at col.4, lines 59-63.

As per claims 33,86 same as claim arguments above and Emens anticipates:

“wherein some of the assembled data comprises meta data relating to objects on the source site” at col.4, lines 59-63.

As per claims 35,87 same as claim arguments above and Emens anticipates:

“wherein each transmitted ranking is accompanied by a command to the cataloging site instructing the cataloging site what to do with the ranking” at col.5, lines 27-44.

As per claims 37,88 same as claim arguments above and Emens anticipates:

“wherein the program further assembles object references for objects on the source site, and these object references are transmitted to the cataloging site and aggregated into the catalog on the cataloging site” at col.5, lines 15-27.

As per claims 39,89 same as claim arguments above and Emens anticipates:  
“wherein the program further transmits to the cataloging site some of the assembled data which is aggregated into the catalog on the cataloging site” at col.5, lines 21-27.

As per claims 41,90 same as claim arguments above and Emens anticipates:  
“wherein at least one of the rankings relates to a set of objects on the source site” at col. 5, lines 28,30.

As per claims 43, 91 Emens anticipates:  
wherein the agent calculates a relationship value representing a distance in text between objects and, at the cataloging site, these relationship values are combined with relationship values from other sites to create a relationship value table representing the likelihood of an object being similar to another object at col.5, lines 22-47,crv.

As per claims 51-95 Emens anticipates:  
“running on the site a program which processes objects stored on the site, thereby assembling values found in at least one of the objects for comparison to a list of rating values” at col.5, lines 27-44;  
“generating a rating for each object by relating the values found in the object to the list of rating values” at col.5, lines 27-44;  
“aggregating the ratings to generate the catalog of ratings” at col. 5, lines 15-26.

Emens teaches running on the site a program which processes objects stored on the site, assembling values found in at least one of the objects for comparison to a list of rating values, generating a rating for each object by relating the values found in the object to the list of rating values and aggregating the ratings to generate the catalog of ratings at col.5, lines 15-44.

As per claims 55-97 same as claim arguments above and Emens anticipates:

"wherein he rating values a supplied by a human" at col.1, lines 42-44.

As per claims 57-98 same as claim arguments above and Emens teaches: "wherein the\_rating values are supplied by a computer" col.5, lines 28-29.

As per claims 69-104 same as claim arguments above and Emens anticipates:

"wherein the step of processing objects comprises processing meta data for the objects" at col.5, lines 15-20.

As per claims 71-105 same as claim arguments above and Emens anticipates:

"wherein the list of ratings values is stored on the site" at fig. 4,7.

As per claims 73-106 same as claim arguments above and Emens anticipates:

"wherein the list of ratings values is stored on a second site" at fig.4.

As per claim 107 Emens anticipates::  
running on each source site a program which assembles data relating to objects stored on the source site at col.5, lines 15-27;

ranking at least some of the assembled data as a function of a set of ranking rules, thereby assigning rankings to the assembled data at col.5, lines 27-44;

transmitting the rankings from each source site to the cataloging site at col.5, lines 21-27;

aggregating a rankings at the cataloging site to generate a catalog of rankings at col.5, lines 15-27;

wherein at least one of the rankings relates to a set of objects on the source site at coll.5, lines 28-30;

wherein the agent calculates a relationship value representing a distance in text between objects and, at the cataloging site, these relationship values are combined with relationship values from other sites to create a relationship value table representing the likelihood of an object being similar to another object at col.5, lines 22-47.

Emens teaches running on each source site a program which assembles data relating to objects stored on the source site, ranking at least some of the assembled data as a function of a set of ranking rules, thereby assigning rankings to the assembled data, transmitting the rankings from each source site to the cataloging site, aggregating a rankings at the cataloging site to generate a catalog of rankings, wherein at least one of the rankings relates to a set of objects on the source site , wherein the agent calculates a relationship value representing a distance in text between objects and, at the cataloging site, these relationship values are combined with relationship values from other sites to create a relationship value table representing the likelihood of an object being

similar to another object at col.5, lines 15-47.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. **Claims 29,45,47,49, 53, 59, 61,84,92-94,96,99-100 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emens et al (US 6,295,559 B1) in view of Culliss (US 6,078,916).**

As per claims 29-84 same as claim arguments above and Emens does not explicitly teach

"wherein at least one of the rankings has a value that is a function of human input data about one or more objects with which the ranking is associated where the human input data is stored in a file on the source site which file is not a part of said one or more objects and assembled by said program" at col.18, lines 54-60. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to organize articles by ratings (col.18, lines 47-48).

As per claims 45-92 Emens teaches:

"running on a central computer a program which processes objects stored on the source computers, thereby assembling values found in at least one of the objects for comparison to a list of rating values"

"generating a rating for each object by relating the values found in the object to a list" at col.5, lines 27-44;

"aggregating gating the ratings to generate the catalog of ratings" at col. 5, lines 15-26.

Emens does not explicitly teach "human input rating values supplied by an owner of the site and stored in a file associated with the site which file is read by said program" however Culliss does teach this limitation at col.18, lines 45-76. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to organize articles by ratings (col.18, lines 47-48).

As per claims 47-93 same as claim arguments above and Cullies teaches:  
"wherein each of the rating values comprises a word" at col. 18, lines 48-51.

As per claims 49-50 same as claim arguments above and Emens teaches:  
“wherein additional human input rating values are supplied by a host of the site  
and stored in said file” at col.1, lines 42-44.

As per claims 53-96 same as claim arguments above and Emens does not  
explicitly teach

“wherein each of the rating comprises a word” however Culliss does teach this at  
col. 18, lines 48-51. Thus it would have been obvious to one of ordinary skill in  
the art at the time of the invention to combine the cited references to organize  
articles by ratings (col.18, lines 47-48).

As per claims 59-99 same as claim arguments above and Emens  
does not explicitly teach

“wherein generating ratings of the objects comprises comparing the values  
found in the object to a list of human input rating values supplied by an owner of  
the site and stored in a file associated with the site which file is read by said  
program” however Culliss does teach this limitation at col.18, lines 45-76. Thus it  
would have been obvious to one of ordinary skill in the art at the time of the  
invention to combine the cited references to organize articles by ratings (col.18,  
lines 47-48).

As per claims 61-100 same as claim arguments above and Emens  
teaches:

“wherein additional human input rating values are supplied by a host of the site  
and stored in said file” at col.1, lines 42-44.

**9. Claims 63,67,101,103,108,110 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emens et al (US 6,295,559 B1) in view of Cragun et al (US 5,973,683).**

As per claims 63,101 Emens does not explicitly teach wherein generating a rating comprises generating a ratings flag when the values found in the object indicate a first rating for the object and at least one of the values from an owner of the site or a host of the site indicates a second rating for the object different than the first rating however Cragun does teach this limitation at col.15, lines 2-4, hybrid ratings. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to control content display at col. 5, lines 55-56.

As per claims 67, 103 Emens does not explicitly teach wherein aggregating ratings includes triggering a computer review of objects having rating flags to determine the correct ratings for the objects however Cragun does teach this limitation at col.15, lines 2-4. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to control content display at col. 5, lines 55-56.

As per claim 108 Emens teaches:  
running on the site a program which processes objects stored on the site, thereby assembling values found in at least one of the objects for comparison to a list of rating values at col.5, lines 27-44;  
generating a rating for each object by relating the values found in the object to the list of rating values at col.5, lines 27-44;

aggregating the ratings to generate the catalog of ratings at col. 5, lines15-26.

Emens does not explicitly teach wherein generating a rating comprises generating a ratings flag when the values found in the object indicate a first rating for the object and at least one of the values from an owner of the site or a host of the site indicates a second rating for the object different than the first rating however Cragun does teach this limitation at col.15, lines 2-4, hybrid ratings. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to control content display at col. 5, lines 55-56.

As per claim 110 Emens teaches:

running on the site a program which processes objects stored on the site, thereby assembling values found in at least one of the objects for comparison to a list of rating values at col.5, lines 27-44; generating a rating for each object by relating the values found in the object to the list of rating values at col.5, lines 27-44; aggregating the ratings to generate the catalog of ratings at col. 5, lines15-26.

Emens does not explicitly teach wherein aggregating ratings includes triggering a computer review of objects having rating flags to determine the correct ratings for the objects however Cragun does teach this limitation at col.15, lines 2-4. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to control content display at col. 5, lines 55-56.

**10. Claims 65,102, 109 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emens et al (US 6,295,559 B1) in view of Bozos et al (US 6,029,141).**

As per claims 65,102 Emens does not explicitly teach wherein aggregating ratings includes triggering a human review indicator for review by a human of objects having rating flags to determine the correct ratings for the objects however Bozos et al (US 6,029,141) does teach this limitation at col.2, lines 32-38. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to determine if the information provided is appropriate at col.2, lines 32-38.

As per claim 109 Emens teaches:

running on the site a program which processes objects stored on the site, thereby assembling values found in at least one of the objects for comparison to a list of rating values at col.5, lines 27-44; generating a rating for each object by relating the values found in the object to the list of rating values at col.5, lines 27-44; aggregating the ratings to generate the catalog of ratings at col. 5, lines15-26.

Emens does not explicitly teach wherein aggregating ratings includes triggering a human review indicator for review by a human of objects having rating flags to determine the correct ratings for the objects however Bozos et al (US 6,029,141) does teach this limitation at col.2, lines 32-38. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine

the cited references to determine if the information provided is appropriate at col.2, lines 32-38.

***Response to Arguments***

11. The indicated allowability of claims 44,64,66,68 is withdrawn in view of reinterpretation of prior art. Rejections based on the new interpretation are found in the above rejection.

12. Applicant's arguments filed on May 20, 2004 have been fully considered but they are not persuasive.

13. Applicant argues Emens et al (US 6,295,559) fails to teach or suggest that each of the other computers stores a plurality of objects, assembling data relating to these objects at a cataloging site and ranking some of the assembled data as a function of ranking rules. Examiner respectfully disagrees. Emens teaches these limitation as indicated in the office action mailed on December 12, 2003. In addition these limitation are found on col.5, lines 15-35 and col.6, lines 61-63. Emens teaches a web crawler, index, ratings and search results in a manner similar to the Applicant's claim language.

14. Applicant argues Emens does not teach rank relative to other sites however Examiner respectful disagrees. It is obvious to rank a site relative to another site.

Art Unit: 2167

**Conclusion**

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Rayyan whose telephone number is (571) 272-4117. The examiner can normally be reached M-F: 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for Official communications, (703) 746-7238 for After Final communications and (703) 746-7240 for Status inquires and draft communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Susan Rayyan



February 4, 2005

  
Tade S. Wassum  
Primary Examiner